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7 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 LUIS URIEL SALMERON-JUAREZ,

12 Defendant.  
13

Case No. 2:22-mj-00641-DJA-1

**Stipulation to Extend Deadlines to  
Conduct Preliminary Hearing and  
File Indictment (Second Request)**

14 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,  
15 United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the  
16 United States of America, and Jacquelyn N. Witt Assistant Federal Public Defender, counsel for  
17 Defendant Luis Uriel Salmeron-Juarez, that the Court schedule the preliminary hearing in this  
18 case for no earlier than seventy-five days from the date of the filing of this stipulation. This  
19 request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted  
20 within 14 days of a detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2)  
21 that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. §  
22 3161(b) This stipulation is entered into for the following reasons:  
23  
24

1           1.       The United States Attorney’s Office has developed an early disposition program  
2 for immigration cases, authorized by the Attorney General pursuant to the PROTECT ACT of  
3 2003, Pub. L. 108-21.

4           2.       The early disposition program for immigration cases is designed to: (1) reduce the  
5 number of hearings required in order to dispose of a criminal case; (2) avoid having more cases  
6 added to the court’s trial calendar, while still discharging the government’s duty to prosecute  
7 federal crimes; (3) reduce the amount of time between complaint and sentencing; and (4) avoid  
8 adding significant time to the grand jury calendar to seek indictments in immigration cases, which  
9 in turn reduces court costs.

10          3.       The government has made a plea offer in this case that requires defendant to waive  
11 specific rights and hearings in exchange for “fast-track” downward departure under USSG  
12 § 5K3.1. This offer will be withdrawn if it is not timely accepted before this matter is indicted and  
13 before a preliminary hearing is held.

14          4.       Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the  
15 preliminary hearing within a reasonable time, but no later than 14 days after the initial appearance  
16 if the defendant is in custody . . . .”

17          5.       However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a showing  
18 of good cause—taking into account the public interest in the prompt disposition of criminal  
19 cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more times . . . .”

20          6.       Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny information  
21 or indictment charging an individual with the commission of an offense shall be filed within thirty  
22 days from the date on which such individual was arrested or served with a summons in connection  
23 with such charges.”  
24

1           7.       The parties have executed a Guilty Plea Agreement, and this matter is set for  
2 sentencing on January 20, 2023. However, Defense counsel has been made aware of a potential  
3 conflict in this case. Defense Counsel requests additional time to investigate the conflict and  
4 discuss this matter with Mr. Salmeron-Juarez. The parties have agreed to continue the scheduled  
5 sentencing date to allow defense counsel to investigate the conflict.

6           8.       Accordingly, the parties jointly request that the Court schedule the preliminary  
7 hearing in this case no sooner than 75 days from today's date.

8           9.       Defendant is in custody and agrees to the extension of the 14-day deadline imposed  
9 by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C. § 3161(b), provided  
10 that the information or indictment is filed on or before the date ordered pursuant to this stipulation.

11          10.      The parties agree to the extension of that deadline.

12          11.      This extension supports the public interest in the prompt disposition of criminal  
13 cases by permitting defendant to consider entering into a plea agreement under the United States  
14 Attorney's Office's fast-track program for § 1326 defendants.

15          12.      Accordingly, the additional time requested by this stipulation is allowed under  
16 Federal Rule of Criminal Procedure 5.1(d).

17          13.      In addition, the parties stipulate and agree that the time between today and the  
18 scheduled preliminary hearing is excludable in computing the time within which the defendant  
19 must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.  
20 § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).



**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS URIEL SALMERON-JUAREZ,

Defendant.

Case No. 2:22-mj-00641-DJA-1

**[Proposed] Order on Stipulation to  
Extend Deadlines to Conduct  
Preliminary Hearing and  
File Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on January 30, 2023, at the hour of 4:00 p.m. be vacated and continued to **April 10, 2023** at the hour of **4:00 p.m.**

DATED this 19<sup>th</sup> day of January, 2023.



UNITED STATES MAGISTRATE JUDGE